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**Third Committee**
Agenda item 105 (b)
**Human rights questions: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms**

**Andorra, Australia, Austria, Canada, Denmark, Finland, France, Germany, Greece, Guatemala, Guinea-Bissau, Ireland, Latvia, Liechtenstein, Luxembourg, Mexico, Netherlands, New Zealand, Norway, Panama, Peru, Poland, Republic of Korea, Romania, San Marino, Serbia and Montenegro, South Africa, Sweden, Switzerland, the former Yugoslav Republic of Macedonia and Timor-Leste: draft resolution**

# Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms

*The General Assembly*,

*Recalling* its resolution 53/144 of 9 December 1998, by which it adopted by consensus the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, annexed to that resolution, and reiterating the importance of the Declaration and its wide dissemination,

*Recalling* all previous resolutions on this subject, in particular its resolution 58/178 of 22 December 2003 and Commission on Human Rights resolution 2004/68 of 21 April 2004,[1]

*Noting with deep concern* that, in many countries, persons and organizations engaged in promoting and defending human rights and fundamental freedoms are facing threats, harassment and insecurity as a result of those activities,

*Gravely concerned* by the continuing high level of human rights violations committed against persons engaged in promoting and defending human rights and fundamental freedoms around the world and that in a number of countries in all

[1] See *Official Records of the Economic and Social Council, 2004, Supplement No. 3* (A/2004/23), chap. II, sect. A.

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regions of the world, impunity for threats, attacks and acts of intimidation against human rights defenders persists and that this has a negative impact on their work and safety,

*Recalling* that human rights defenders are entitled to equal protection of the law, and deeply concerned about any abuse of civil or criminal proceedings against them because of their activities for the promotion and protection of human rights and fundamental freedoms,

*Concerned* by the considerable number of communications received by the Special Representative of the Secretary-General on human rights defenders that, together with the reports submitted by some of the special procedure mechanisms, indicate the serious nature of the risks faced by human rights defenders,

*Emphasizing* the important role that individuals, non-governmental organizations and groups play in the promotion and protection of human rights and fundamental freedoms,

*Recalling* that, in accordance with article 4 of the International Covenant on Civil and Political Rights,[2] certain rights are recognized as non-derogable in any circumstances and that any measures derogating from other provisions of the Covenant must be in accordance with that article in all cases, and in this regard recalling General Comment No. 29 on derogations from the provisions of the Covenant during a state of emergency, adopted by the Human Rights Committee on 24 July 2001, which underlines the exceptional and temporary nature of any such derogations,

*Gravely concerned* that, in some instances, national security and counter-terrorism legislation and other measures have been misused to target human rights defenders or have hindered their work and safety in a manner contrary to international law,

*Welcoming* the significant work conducted by the Special Representative of the Secretary-General and the cooperation between the Special Representative and other special procedures of the Commission on Human Rights,

*Welcoming also* regional initiatives and the cooperation between international and regional mechanisms for the protection of human rights defenders, and encouraging further development in this regard,

*Welcoming further* the steps taken by some States towards adopting national policies and legislation for the protection of human rights defenders,

*Recalling* that the primary responsibility for promoting and protecting human rights rests with the State, and noting with deep concern that the activities of some non-State actors pose a major threat to the security of human rights defenders,

*Emphasizing* the need for strong and effective measures for the protection of human rights defenders,

1. *Calls upon* all States to promote and give full effect to the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, including by adopting legislative, administrative and other steps as may

[2] See resolution 2200 A (XXI), annex.

be necessary to ensure that the rights and freedoms referred to in the Declaration are guaranteed;

2. *Welcomes* the reports of the Special Representative of the Secretary-General on human rights defenders[3] and her contribution to the effective promotion of the Declaration and the improvement of the protection of human rights defenders worldwide;

3. *Encourages* all States to ensure and maintain an environment conducive to the work of human rights defenders;

4. *Condemns* all human rights violations committed against persons engaged in promoting and defending human rights and fundamental freedoms around the world, and urges States to take all appropriate action, consistent with the Declaration and all other relevant human rights instruments, to eliminate such human rights violations;

5. *Calls upon* all States to take all necessary measures to ensure the protection of human rights defenders, at both the local and the national levels;

6. *Also calls upon* all States to ensure, protect and respect the freedom of expression and association of human rights defenders, including by ensuring that their organizations have the possibility to access funds and, where legal registration is required, by ensuring quick, easy and inexpensive procedures as well as transparent criteria for registration;

7. *Urges* States to ensure that any measures to combat terrorism and preserve national security comply with their obligations under international law, in particular under international human rights law, and do not hinder the work and safety of human rights defenders;

8. *Emphasizes* the importance of combating impunity, and in this regard urges States to take appropriate measures to address the question of impunity for threats, attacks and acts of intimidation against human rights defenders;

9. *Urges* States to ensure that complaints from human rights defenders are investigated and addressed in a transparent, independent and publicly accountable manner;

10. *Urges* all Governments to cooperate with and assist the Special Representative in the performance of her tasks and to furnish all information in the fulfilment of her mandate upon request;

11. *Calls upon* Governments to respond favourably to the requests of the Special Representative to visit their countries, and urges them to enter into a constructive dialogue with the Special Representative with respect to the follow-up to and implementation of her recommendations, so as to enable her to fulfil her mandate even more effectively;

12. *Urges* those Governments that have not yet responded to the communications transmitted to them by the Special Representative to answer without further delay;

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[3] E/CN.4/2001/94, E/CN.4/2002/106 and Add.1 and 2, E/CN.4/2003/104 and Add.1-4 and E/CN.4/2004/94 and Add.1-3; see also A/56/341, A/57/182, A/58/280 and A/59/401.

13. *Invites* Governments to translate the Declaration into national languages and to take measures to improve the dissemination of and the training in it in order to enable officials, institutions, agencies and authorities to observe the provisions of the Declaration;

14. *Encourages* States to train judiciaries at all levels in the Declaration and to facilitate appropriate forms of interaction between them and human rights defenders in order to promote better understanding and respect for the work of human rights defenders;

15. *Requests* all concerned United Nations agencies and organizations, within their mandates, to provide all possible assistance and support to the Special Representative in the implementation of her programme of activities;

16. *Invites* relevant United Nations bodies, including at the country level, within their mandates and working in cooperation with States, to give due consideration to the Declaration and to the reports of the Special Representative, and requests the Office of the United Nations High Commissioner for Human Rights to draw the attention of all relevant United Nations bodies, including at the country level, to the reports of the Special Representative;

17. *Encourages* all Governments to investigate promptly urgent appeals and allegations brought to their attention by the Special Representative and to take timely action to prevent violations of the rights of human rights defenders;

18. *Requests* the Secretary-General to provide the Special Representative with all necessary human, material and financial resources in order to enable her to continue to carry out her mandate effectively, including through country visits;

19. *Requests* the Special Representative to continue to report on her activities to the General Assembly and to the Commission on Human Rights in accordance with her mandate;

20. *Decides* to consider this question at its sixtieth session under the item entitled "Human rights questions".